

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEPHEN AND JUNE VITIELLO, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

BED BATH & BEYOND, INC., MARK J. TRITTON,
MARY A. WINSTON, and ROBYN M. DELIA,

Defendants.

Case No. 2:20-cv-04240

CLASS ACTION

JERRY KIRKLAND, individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

BED BATH & BEYOND INC., MARK J. TRITTON,
MARY A. WINSTON, and ROBYN M. D'ELIA,

Defendants.

Case No. 2:20-cv-05339

CLASS ACTION

**ORDER CONSOLIDATING RELATED ACTIONS, APPOINTING LEAD PLAINTIFF AND
COUNSEL**

Upon good cause shown, IT IS HEREBY ORDERED THAT:

- I. The Motion of Kavin Bakhda ("Bakhda") to Consolidate Related Actions, for Appointment as Lead Plaintiff and Approval of Counsel, ECF No. 19, is **GRANTED**.
- II. The above-captioned actions are hereby consolidated pursuant to Federal Rule of Civil Procedure 42(a) for all purposes.
- III. Bakhda is hereby appointed as Lead Plaintiff for the proposed Class pursuant to 15 U.S.C. § 78u-4, as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"). The PSLRA provides that the presumptive

lead plaintiff is the party with "the largest financial interest in the relief sought by the class" who "otherwise satisfies the requirements of Rule 23," which Bakdha has satisfied in this case. See 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Bakdha holds over \$800,000 in shares, significantly more than any other proposed lead plaintiff. These shares were assigned to him by his mother. This Court has recognized that "an assignee who holds legal title . . . has standing to pursue that claim--even if the assignee has agreed to remit all proceeds from the litigation back to the assignor." Aguilar v. Vitamin Shoppe, Inc., No. 17-6454, 2018 WL 1960444, at *7 (D.N.J. Apr. 25, 2018) (citing Sprint Comms. Co., L.P. v. APCC Servs. Inc., 554 U.S. 269, 285-86 (2008)). As set forth in his brief, Bakdha's claims, at this stage, are typical of the class and he can adequately represent the class's interests. Accordingly, Bakdha has standing to serve as Lead Plaintiff. Id. at *7-11.

IV. Bernstein Liebhard LLP is hereby appointed as Lead Counsel and the Law Offices of Jan Meyer & Associates, P.C. is hereby appointed as Liaison Counsel for the proposed Class.

V. The remaining motions to appoint Lead Plaintiff, ECF Nos. 16-18, are **DENIED**.

SO ORDERED, this 14th day of August, 2020

/s Madeline Cox Arleo
Honorable Madeline Cox Arleo
United States District Judge